United Nations S/2009/555

Security Council

Distr.: General
27 October 2009

Original: English

Letter dated 26 October 2009 from the Secretary-General addressed to the President of the Security Council

This letter is to inform you that Ms. Xiaohong Dang (People's Republic of China), whom I appointed on 12 August 2009 to serve on the Panel of Experts established pursuant to Security Council resolution 1874 (2009), is unable to assume her functions. Accordingly, in consultation with the Security Council Committee established pursuant to resolution 1718 (2006), I wish to inform you that I have appointed Mr. Xiaodong Xue (People's Republic of China, expert on export control and nuclear items) to serve on the Panel of Experts and carry out tasks as specified in paragraph 26 of the resolution.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-57962 (E) 271009

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United Nations S/2009/556

Security Council

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28 October 2009

Original: English

Letter dated 28 October 2009 from the Secretary-General addressed to the President of the Security Council

I wish to inform the members of the Security Council that I have decided to establish an international Commission of Inquiry to investigate the many killings, injuries and alleged gross human rights violations that took place in the Republic of Guinea on 28 September 2009, and in response to widespread appeals from Member States, including the Government of Guinea, members of the Economic Community of West African States (ECOWAS), the African Union (AU) and the Security Council.

On 16 October 2009, I dispatched an exploratory mission to Guinea and the subregion, led by Haile Menkerios, Assistant Secretary-General for Political Affairs, to discuss with the Government and regional actors the modalities for establishing an international Commission of Inquiry and to assess the willingness of the Government to cooperate with the Commission. The mission was well received, and AU and ECOWAS have both pledged to support the work of the Commission. The Government of Guinea has indicated in writing its willingness to cooperate with and facilitate the work of the Commission.

The Commission will be mandated to establish the facts and circumstances of the events of 28 September 2009 and the related events in their immediate aftermath, qualify the crimes perpetrated, determine responsibilities and, where possible, identify those responsible. It will also make recommendations, in particular, on accountability measures. I intend to deploy the Commission as soon as possible and have asked that it submit a report to me within 60 days from the start of its activities.

In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of Guinea. It shall be provided with the necessary facilities to enable it to discharge its mandate and, in particular, shall be guaranteed freedom of movement throughout the territory, freedom of access to all sources of information, both testimonial and physical evidence, and all documentary material. The Government of Guinea is expected to provide appropriate security arrangements for the personnel and documents of the Commission, and guarantee protection of victims and witnesses and all those in contact with the Commission in connection with the inquiry. The work of the Commission will be financed through existing resources. The terms of reference for the Commission are herewith attached (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-58127 (E) 291009

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Annex to the letter dated 28 October 2009 from the Secretary-General addressed to the President of the Security Council

Terms of reference for the Commission of Inquiry for Guinea

1. In response to an international appeal from both within and outside the Republic of Guinea, in particular the call of the Economic Community of West African States (ECOWAS) and the International Contact Group on Guinea, for the Secretary-General to establish an international commission of inquiry to investigate the events of 28 September 2009, in which a large number of people were killed, injured and sexually assaulted during a political rally, after consultations with representatives of the regional organizations ECOWAS and the African Union (AU), the Government of Guinea and opposition groups, and with the support of members of the Security Council, the Secretary-General has decided to establish a Commission of Inquiry for Guinea with the following terms of reference.

2. The Commission of Inquiry shall investigate the facts and circumstances of the events of 28 September 2009 and related events in their immediate aftermath. To that end, it shall:

(a) Establish the facts;

(b) Qualify the crimes;

(c) Determine responsibilities and, where possible, identify those responsible;

(d) Make recommendations, including, in particular, on accountability measures.

3. In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government of Guinea. The Government shall comply with requests of the Commission for assistance in collecting the required information and testimony. It shall, in particular, guarantee to the Commission:

(a) Freedom of movement throughout the territory of Guinea;

(b) Freedom of access to all places and establishments, including prisons and detention centres, of relevance to the work of the Commission;

(c) Freedom of access to all sources of information, including documentary material and physical evidence, freedom to interview representatives of governmental and military authorities, community leaders, civil society and, in principle, any individual whose testimony is considered necessary for the fulfilment of its mandate;

(d) Appropriate security arrangements for the personnel, documents, premises and other property of the Commission;

(e) Protection of all those who are in contact with the Commission in connection with the inquiry; no such person shall, as a result of such appearance or information, suffer harassment, threats of intimidation, ill-treatment, reprisals or any other prejudicial treatment;

(f) Privileges, immunities and facilities necessary for the independent conduct of the inquiry. In particular, members of the Commission shall enjoy the privileges and immunities accorded to experts on missions under article VI of the

1946 Convention on the Privileges and Immunities of the United Nations, and officials under articles V and VII of the Convention.

4. The Commission may approach third States with a request for cooperation in the collection of material or information relevant to the case.

5. The Commission shall be composed of three members having a reputation for probity and impartiality. In the overall composition of the Commission, there will be the required expertise in human rights, international law, including international criminal law, and experience in investigating human rights violations, including sexual violence. Members of the Commission shall be appointed by the Secretary-General, in consultation with ECOWAS and AU. The Commission shall be assisted by the necessary staff, including administrative, security and technical staff.

6. The Commission shall submit its report to the Secretary-General within two months from the start of its activities. The Secretary-General will share the report with ECOWAS, AU and the Government of Guinea.

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Security Council

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Letter dated 28 October 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of the United Kingdom in August 2009 (see annex).

The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Philip **Parham**
Chargé d'affaires a.i.

09-58133 (E) 301009

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Annex to the letter dated 28 October 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of the United Kingdom of Great Britain and Northern Ireland (August 2009)

Introduction

Under the presidency of the United Kingdom in August 2009, the Security Council held 16 meetings, including two open debates, one private meeting, seven consultations, two briefings and one "informal informal". Three resolutions were adopted unanimously by the Council during the United Kingdom presidency.

Africa

Sudan

On 20 August, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, briefed the Security Council on preparations for elections in the Sudan. During subsequent consultations of the whole, Council members expressed strong support for the elections, welcomed progress made thus far and called for efforts to be intensified, particularly by finding a solution on the census, the difficulties with which continued to obstruct progress. Council members requested further information from the United Nations Secretariat on the additional resources requested by the Secretary-General for the United Nations Mission in the Sudan.

Democratic Republic of the Congo

On 4 August, following a letter to the President of the Security Council from the Secretary-General dated 31 July 2009, the Council heard an update from the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy. He briefed the Council on the fate of five officers of the Armed Forces of the Democratic Republic of the Congo suspected of serious crimes of sexual violence, whose cases had been raised in May 2009 during the visit of members of the Council to the Democratic Republic of the Congo. Sir John Sawers, Permanent Representative of the United Kingdom, made some remarks to the press afterwards in his capacity as President of the Council, conveying the Council's appreciation for the sustained efforts of the Congolese authorities and the United Nations Organization Mission in the Democratic Republic of the Congo in ensuring that the five officers were relieved of command, with two being detained and three under judicial control. He also stressed that it was crucial for members of the Armed Forces of the Democratic Republic of the Congo to be held accountable if they were involved in sexual violence, as part of wider efforts to combat such crimes.

Asia

Myanmar

On 11 August, the Council met to discuss the Myanmar issue following the verdict in the trial of Daw Aung San Suu Kyi. On 13 August, the Council issued a statement to the press. It reaffirmed the Council's previous statements of 11 October 2007, 2 May 2008 and 22 May 2009; expressed serious concern at the conviction and sentencing of Daw Aung San Suu Kyi; and noted the decision by the Government of Myanmar to reduce the sentence. The Council also urged the Government to take further measures to create the necessary conditions to achieve an inclusive national reconciliation. It reiterated the Council's support for the Secretary-General's good offices, and affirmed the Council's commitment to the sovereignty and territorial integrity of Myanmar.

Middle East

Iraq

On 4 August, the Special Representative of the Secretary-General for Iraq, Ad Melkert, briefed the Council on the basis of the report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008) (S/2009/393). The Permanent Representative of Iraq, Ambassador Hamid al-Bayati, presented the views of the Government of Iraq. In subsequent consultations of the whole, Council members expressed full support for the continuing role in Iraq of the United Nations Assistance Mission for Iraq (UNAMI) and agreed that work on the forthcoming elections, national reconciliation and humanitarian issues were key priorities.

On 7 August, the Council unanimously adopted resolution 1883 (2009), by which it extended the mandate of UNAMI for a further period of 12 months, in accordance with the request of the Government of Iraq, and with reference to resolutions 1770 (2007) and 1830 (2008). The Council called on the Government of Iraq and other Member States to continue to provide security assistance and logistical support to the United Nations presence in the country. The Council requested the Secretary-General to report quarterly on progress made towards the fulfilment of all the Mission's responsibilities.

On 19 August, Security Council members issued a statement to the press condemning the terrorist attack on the same day in Baghdad.

On 27 August, the Assistant Secretary-General for Programme Planning, Budget and Accounts, the Controller, Jun Yamazaki briefed the Council, in consultations of the whole, on the latest report of the Secretary-General on the activities of the International Advisory and Monitoring Board in overseeing the Development Fund for Iraq. Council members expressed concern that more steps needed to be taken to improve the system of internal controls of the Development Fund, and that the Government of Iraq should take greater responsibility for the management of its resources.

The situation in the Middle East, including the Palestinian question

On 19 August, the Assistant Secretary-General for Political Affairs, Oscar Fernandez-Taranco, briefed the Council on the situation in the Middle East. During

subsequent consultations of the whole, Council members expressed strong support for international efforts aimed at a rapid resumption and conclusion of peace negotiations, which it was hoped would lead to comprehensive peace in the Middle East. They also stressed the need for Israelis and Palestinians to fulfil their road map obligations, including a complete freeze of settlement activity by Israel and an end to violence instigated by Palestinian militants. Council members expressed concern about the continuing humanitarian situation in Gaza. They called for implementation of resolution 1860 (2009), and for the opening of the Gaza crossing points within an appropriate monitoring framework.

United Nations Interim Force in Lebanon

On 13 August, the Council held a private meeting with the countries contributing troops to the United Nations Interim Force in Lebanon (UNIFIL), during which they were briefed by the Assistant Secretary-General for Peacekeeping Operations on the activities of UNIFIL.

On 20 August, in consultations of the whole, the Assistant Secretary-General briefed the Council on the latest activities of UNIFIL. Council members expressed strong support for the important role that UNIFIL continues to play in contributing to peace and stability in southern Lebanon, underlined their concern over all violations of resolution 1701 (2006), including those described in the letter dated 6 August 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/407), and agreed that all parties should fulfil their obligations under that resolution.

On 27 August, the Council unanimously adopted resolution 1884 (2009), by which it extended the mandate of UNIFIL for a further period of 12 months, in accordance with the request of the Government of Lebanon and with reference to all its previous resolutions on Lebanon. In resolution 1884 (2009) the Council called on all parties to respect the cessation of hostilities, respect the Blue Line in its entirety, including through Ghajar, and to cooperate fully with UNIFIL. It called on all parties to work towards a permanent ceasefire and long-term solution. The Council requested the Secretary-General to report every four months on the implementation of resolution 1701 (2006). Ambassador Gabriela Shalev, Permanent Representative of Israel, and Ambassador Nawaf Salam, Permanent Representative of Lebanon, made national statements.

Afghanistan

On 20 August, Council members issued a statement to the press welcoming the holding of historic elections in Afghanistan, praising Afghan and international preparatory efforts, and calling for all involved to cooperate with the election authorities pending official results. On 26 August, Council members issued a statement to the press condemning the bomb attack in Kandahar on 25 August.

Thematic debates and other issues

Children and armed conflict

On 4 August, the Council unanimously adopted resolution 1882 (2009) on children and armed conflict. By the resolution it expanded the criteria under which

armed groups can be included in annexes to the reports of the Security General on children and armed conflict, namely, those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape or sexual violence committed against children. In addition, the Council asked the Secretary-General to provide dedicated administrative support to the Working Group.

Peacekeeping

On 5 August, the Council held an open debate on peacekeeping, attended by some 20 force and police commanders of United Nations peacekeeping missions.

The Under-Secretaries-General for Peacekeeping Operations and Field Support, Alain Le Roy and Susana Malcorra, briefed the Council on their non-paper entitled "A new partnership agenda: charting a new horizon for United Nations peacekeeping", the result of their joint review of the United Nations peacekeeping system. The Under-Secretary-General for Peacekeeping Operations emphasized the need for a successful transition from peacekeeping to peacebuilding and called for consensus on complex issues, including a robust approach to peacekeeping and the implementation of mandates for the protection of civilians. He reiterated the Secretariat's commitment to improving consultations with troop- and police-contributing countries, information-sharing with Council members and better monitoring and evaluation of missions. The Under-Secretary-General for Field Support introduced a field support strategy promising greater efficiency and shorter and more localized procurement, among other ideas to improve logistical support. Both reiterated the status of their work — as non-papers containing potential proposals intended to inspire greater dialogue among Member States. The Force Commander, of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), General Martin Luther Agwai, briefed the Council drawing on insights from his experience in the field, and emphasized that UNAMID had at its heart the full range of complex issues.

In the debate that followed there was a broad consensus among the Member States on issues concerning the United Nations peacekeeping mechanisms. Speakers supported measures to improve consultation with troop- and police-contributing countries, monitoring and evaluation of missions and the need for clear and achievable mandates. Participants underlined their wide support for the reform initiatives and looked forward to further discussion of the New Horizon project, including in the Special Committee on Peacekeeping Operations. Many supported efforts to improve the transition to peacebuilding.

Following the debate, the Council adopted a statement by the President of the Council (S/PRST/2009/24) in which it emphasized the central importance of a partnership drawing together the contributions and commitment of the entire United Nations system, and the importance of viewing a peacekeeping operation as an accompaniment, rather than an alternative, to a political strategy. The Council drew attention to recent endeavours to improve its contribution to the peacekeeping partnership, identifying several areas where further reflection is required to improve the preparation, planning, monitoring, evaluation and completion of peacekeeping operations. The Council committed itself to reviewing progress against these objectives again early in 2010.

Women and peace and security

On 7 August, the Council held an open debate on women and peace and security. The Secretary-General briefed the Council on his follow-up report (S/2009/362) to resolution 1820 (2008). He recalled the recommendations that were made to the Council in his report and underlined the importance of a multisectoral response to conflict-related sexual violence, and enhanced United Nations coordination in the field to prevent continued impunity of the perpetrators of such acts. He advised that an independent commission of inquiry should report to the Council in order to ensure accountability.

Twenty-nine non-members of the Council contributed to the debate; all spoke in favour of enhanced Security Council and United Nations activity to address the issue of gender-based sexual violence within armed conflict and peacebuilding zones.

Non-proliferation/Democratic People's Republic of Korea

On 20 August, Fazli Çorman (Turkey), in his capacity as Acting Chairman of the Committee established pursuant to resolution 1718 (2006), delivered the regular 90-day report on the Committee's work for the period up to 14 August. His report highlighted the adoption on 12 June of resolution 1874 (2009) and the new measures that resulted from it, including the designation on 16 July of additional entities, goods and individuals subject to sanctions; the agreement to continue to work to designate further goods and identify entities that are acting on behalf of or at the direction of previously designated entities; the adoption of a broad-ranging programme of work covering compliance, investigations, outreach and implementation assistance; the increasing number of reports from Member States on steps taken to implement the resolution; and the appointment on 12 August by the Secretary-General of the seven-strong Panel of Experts to support the Committee's work. He also noted that, after the report had been adopted, the Committee had received a letter from a Member State which reported a possible sanctions violation and requested advice on how to proceed. The Committee members were currently considering their response. He explained that it would be covered in detail in the next 90-day report.

Member States reaffirmed their support for full implementation of resolutions 1718 (2006) and 1874 (2009), underlined the need for the Committee to be active, especially in responding to alleged violations of the relevant measures, and stressed the goal of the return of the Democratic People's Republic of Korea to peaceful dialogue leading to the denuclearization of the Korean peninsula.

Informal meeting with the Special Adviser to the Secretary-General on the Prevention of Genocide

On 25 August the United Kingdom organized an informal meeting of Security Council members, at which Council members heard an update from the Special Adviser to the Secretary-General on Prevention of Genocide, Francis Deng, on the work of his office.

United Nations A/64/503–S/2009/558

General Assembly
Security Council

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General Assembly
Sixty-fourth session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 26 October 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 14 October 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-58158 (E) 291009 291009

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Annex to the identical letters dated 26 October 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 14 October 2009

Air violations

On 1 October 2009:

- Between 1225 and 1250 hours, two Israeli enemy warplanes violated Lebanese airspace, entering some 12 miles off the coast from Shikka and heading south. They circled over the sea to the west of Beirut and Shikka before leaving Lebanese airspace over the sea off Beirut;
- At 2010 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Beirut, Riyaq, Baalbek and the South before leaving over Naqurah at 1900 hours on 2 October 2009.

On 3 October 2009, between 0930 and 2130 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It proceeded north as far as Bint Jubayl and circled over the South. It then flew towards the Bekaa, proceeding as far as Baalbek, and circled over the Bekaa before heading south and leaving over Naqurah.

On 4 October 2009:

- Between 0805 and 1605 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Nabatiyah and circled over the South before leaving over Alma al-Sha'b;
- Between 0845 and 2020 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It circled over the South and the Bekaa before leaving over Alma al-Sha'b.

On 5 October 2009, at 1140 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the western Bekaa, the South and Beirut before leaving over Alma al-Sha'b at 0530 hours on 6 October 2009.

On 7 October 2009, between 1335 and 1605 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh and heading north at an altitude of 18,000 feet. It circled over the South, proceeding as far as Jazzin, before leaving over Alma al-Sha'b.

On 8 October 2009:

- Between 0750 and 1555 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Naqurah;
- Between 0900 and 1655 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving over Alma al-Sha'b.

On 9 October 2009, at 1900 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It proceeded as far as Baalbek, circled between Riyaq and Baalbek and over the South before leaving over Naqurah at 0710 hours on 10 October 2009.

On 10 October 2009, at 1855 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and before leaving over Rumaysh at 1630 hours on 11 October 2009.

On 11 October 2009, between 1137 and 1320 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving over Naqurah.

On 12 October 2009:

- Between 0620 and 1600 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and the South before leaving over Naqurah;

- At 2012 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and heading north. It circled over the South, Riyaq and Baalbek before leaving over Alma al-Sha'b at 1610 hours on 13 October 2009.

On 13 October 2009, between 1110 and 1140 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and heading north. They circled over Beirut and the South before leaving over Alma al-Sha'b.

On 14 October 2009, between 1130 and 1250 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Naqurah. They circled over all regions of Lebanon before leaving over Alma al-Sha'b.

Sea violations

On 6 October 2009, at 1925 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for 30 seconds towards buoy No. 3, the beam projecting some 200 metres inside Lebanese territorial waters.

On 8 October 2009, at 2135 hours, an Israeli enemy gunboat directed a searchlight for five seconds towards Lebanese territorial waters, to a distance of some 500 metres north of buoy No. 2.

On 11 October 2009, at 2320 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for five seconds towards Lebanese territorial waters, the beam projecting some 1,000 metres into those waters between buoys Nos. 3 and 4.

On 14 October 2009, at 2240 hours, from its position at Ra's al-Naqurah, the Israeli enemy directed a searchlight for 45 seconds towards Lebanese territorial waters, the beam penetrating some 300 metres into those waters. The enemy also directed a searchlight for 45 seconds over the Lebanese Army position at Ra's al-Naqurah, moving the beam in a circular pattern.

Acts of aggression in the field

On 5 October 2009:

- At 1025 hours, someone telephoned the Education Institute and stated that $10 million awaited anyone who had any information regarding Israeli soldiers missing in Lebanon;

- At 1230 hours, a recorded message from the Israeli enemy was received on both the landline and mobile telephone networks. The message, which was in Arabic, offered $10 million in exchange for information regarding missing Israeli soldiers. The call was made from the London telephone number 44208808080.

On 5 and 6 October 2009, the following recorded telephone message from the Israeli enemy was received by the security office in Al-Dahiyah: "If you have information regarding Israeli prisoners, you will receive a reward of $10 million".

On 6 October 2009, at various times of day, telephone calls were made to military positions in the Bekaa and the South, as well as to the landline network in both areas, offering $10 million in exchange for information regarding missing Israeli soldiers.

On 7 October 2009:

- At various times of day, the Israeli enemy made calls to landline telephones on both the civilian and military networks and to mobile telephones in the South offering $10 million in exchange for information regarding missing Israeli soldiers;

- At 1400 hours, a voice message originating from London was recorded on the telephone of an officer attached to the Beirut branch of the security forces announcing a cash reward for anyone having information about the missing Israeli pilot, Ron Arad. The message also referred to an Internet site, 10million.org, and the following telephone number: 44208808080.

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Security Council

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Note by the President of the Security Council

At its 6210th meeting, held on 29 October 2009, the Security Council considered its draft report to the General Assembly covering the period from 1 August 2008 to 31 July 2009. The Council adopted the draft report without a vote.

09-60113 (E) 101109

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United Nations S/2009/560

Security Council

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28 October 2009

Original: English

France: draft resolution

The Security Council,

Recalling its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1842 (2008) and 1880 (2009),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the report of the Secretary-General dated 29 September 2009 (S/2009/495) and of the reports of the United Nations Group of Experts on Côte d'Ivoire dated 8 April 2009 (S/2009/188) and 9 October 2009 (S/2009/521),

Emphasizing the continued contribution to Côte d'Ivoire's stability, in particular in the context of the planned presidential elections, of the measures imposed by resolutions 1572 (2004) and 1643 (2005),

Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and *recalling* its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflicts,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 31 October 2010 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

2. *Decides* to review the measures renewed in paragraph 1 above in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution 1880 (2009), by the end of the

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period mentioned in paragraph 1, and *decides further* to carry out during the period mentioned in paragraph 1 above:

(a) A review of the measures renewed in paragraph 1 above no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards, with a view to possibly modifying the sanctions regime; or

(b) A midterm review no later than 30 April 2010 if no review has been scheduled on the basis of paragraph 2 (a) of this resolution at that date;

3. *Calls upon* the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by taking the necessary rules and regulations and *calls also upon* the United Nations Operation in Côte d'Ivoire (UNOCI) to bring its full support in particular to the implementation of the measures on arms renewed in paragraph 1, within its capacities and mandate, as determined in resolution 1739 (2007) and renewed in resolution 1880 (2009) and *calls upon* further the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities;

4. *Reiterates* again its demand in particular that the Ivorian authorities take the necessary measures to put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004) including those violations mentioned by the Group of Experts in its reports dated 21 September 2007 (S/2007/611), 15 October 2008 (S/2008/598) and 9 October 2009 (S/2009/521);

5. *Demands* that the Ivorian parties to the Ouagadougou Political Agreement, in particular the Ivorian authorities, provide unhindered access particularly to the Group of Experts firstly established pursuant to paragraph 7 of resolution 1584 (2004), to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel, regardless of location, when appropriate without notice and including those under the control of Republican Guard units, and *demands further* that they provide access under the same conditions to UNOCI in order to carry out its mandate and to the French forces which support it, as set out in its resolutions 1739 (2007) and 1880 (2009);

6. *Reiterates* that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

7. *Reiterates* that any serious obstacle to the freedom of movement of UNOCI or the French forces which support it, or any attack or obstruction of the action of UNOCI, the French forces, the Special Representative of the Secretary-General, the Facilitator mentioned in paragraph 23 of resolution 1880 (2009) or his Special Representative in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

8. *Requests* the Secretary-General and the French Government to report to it immediately, through the Committee, any serious obstacle to the freedom of movement of UNOCI or the French forces which support it, including the names of those responsible, and requests also the Secretary-General and the Facilitator to report to it immediately, through the Committee, any attack or obstruction of their action or the action of the Special Representatives mentioned in paragraph 7 above;

9. *Requests* all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and *authorizes* the Committee to request whatever further information it may consider necessary;

10. *Decides* to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010 and *requests* the Secretary-General to take the necessary administrative measures;

11. *Decides* that the report referred to in paragraph 7 (e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004);

12. *Requests* the Group of Experts to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard and *requests further* the Group of Experts to include in its report specific information on persons who deny it access to weapons, ammunition and related materiel;

13. *Requests* the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

14. *Requests* also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

15. *Requests* also the Kimberley Process to communicate as appropriate to the Security Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire;

16. *Decides* that, the measures imposed by Paragraph 6 of Resolution 1643 (2005) shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Committee;

17. *Decides* that a request made in accordance with paragraph 16 shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and *decides further* that where the Committee has approved an exemption pursuant to this paragraph, the importing Member State shall notify the

Committee of the results of the study and share the results, without delay, with the Group of Experts on Cote d'Ivoire to assist them in their investigations;

18. *Urges* all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above;

19. *Urges* further in this context that all Ivorian parties and all States, particularly those in the region, ensure:

- the safety of the members of the Group of Experts;
- unhindered access by the Group of Experts, in particular to persons, documents and sites in order for the Group of Experts to execute its mandate;

20. *Underlines* that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of UNOCI, of the French forces which support it, of the Special Representative of the Secretary-General, of the Facilitator, of his Special Representative in Côte d'Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;

(e) Inciting publicly hatred and violence;

(f) Acting in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

21. *Decides* to remain actively seized of the matter.

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Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 28 October 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On 27 October 2009, at 1850 hours, the Israeli army bombarded the outskirts of the town of Houla in South Lebanon with about nine 155 mm shells. During that time, Israeli aircraft continued their violation of Lebanon's airspace. Israel proclaimed that its bombing of the outskirts of Houla came in response to the launching of one missile, from the same area and on the same day.

The Lebanese Government immediately condemned the missile launch, and the Lebanese Armed Forces and the United Nations Interim Force in Lebanon (UNIFIL) jointly started to investigate the incident to determine its perpetrators in order to hold them accountable.

This violent Israeli attack is a premeditated and flagrant violation of Lebanon's sovereignty and of Security Council resolution 1701 (2006); it constitutes one more breach of a previously set practice according to which any incident across the Blue Line should be dealt with through UNIFIL and without resorting to unilateral measures. Clearly, such an action cannot meet any of the requirements of self-defence, as expressed in the Charter of the United Nations. Moreover, for such Israeli unilateral behaviour, following a similar incident on 11 September in Klaele, amounts to a grave pattern of disrespect for international law.

It is needless to add that Israel's systematic shelling, after a rocket is launched, always delays and hampers the effective and timely investigation by the Lebanese Armed Forces and UNIFIL of the incident at hand.

This alarming incident also occurred a few days after an incident on 17 October, when an explosion occurred in the Houla region, demonstrating that Israel has been planting spying devices in South Lebanon. Israel had detonated two such devices from afar. Moreover, Israeli officials have repeatedly stated that they will continue their spying activities, in blatant violation of Lebanese sovereignty. These hostile Israeli activities constitute an additional breach of Security Council resolution 1701 (2006) and encroach upon the roles of the Lebanese Armed Forces

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and UNIFIL in helping to ensure its full implementation. Furthermore, Israel's continuous violations of Lebanon's sovereignty and its threats against Lebanon's Government and people are a serious source of concern since they not only constitute an escalation of an already precarious situation but also seem to indicate that Israel is preparing for a large-scale aggression against Lebanon.

I wish to draw your attention to this irresponsible and reprehensible Israeli behaviour, which adds to other continuous Israeli violations of Security Council resolution 1701 (2006), including daily overflights and incursions into Lebanese territory, and the ongoing occupation of the northern part of El-Ghajar and of the Sheba'a farms and Kfarshouba hills, while reiterating Lebanon's firm commitment to resolution 1701 (2006), to the ongoing close cooperation between the Lebanese Armed Forces and UNIFIL and to the safety and freedom of movement of UNIFIL in its area of operation in conformity with the agreed rules of engagements.

I kindly request that the present letter be circulated as a document of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative